

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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:  
DONALD HESS and ELIZABETH PADILLA,  
individually and on behalf of all others similarly situated, :

Plaintiffs, :

-against- :

BED BATH & BEYOND INC., :

Defendant. :

1:21-cv-04099(AT)(RWL)

**DECLARATION OF  
JEFFREY H. RUZAL IN  
SUPPORT OF DEFENDANT'S  
MOTION TO DISMISS**

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:  
Jeffrey H. Ruzal, an attorney admitted to practice in the United States District Court for  
the Southern District of New York, declares, pursuant to 28 U.S.C. § 1746, under penalty of  
perjury, as follows:

1. I am a partner in the law firm of Epstein Becker & Green, P.C., counsel for Defendant  
Bed Bath & Beyond Inc. ("BBB").

2. I submit this declaration in support of BBB's Motion to Dismiss Plaintiffs' Third  
Amended Complaint for the purpose of providing copies of materials cited in BBB's  
Memorandum of Law in Support of Its Motion to Dismiss.

3. Attached as **Exhibit A** is a copy of New York State Department of Labor  
Commissioner's Order against IKEA U.S., Inc. dated Oct. 7, 1994.

4. Attached as **Exhibit B** is a copy of the New York State Industrial Board of Appeals  
Decision Wah Chan Wong v. Comm'r of Labor, Docket No. PR 12-090 (N.Y. Indust. Bd. of  
Appeals Oct. 26, 2016).

5. Attached as **Exhibit C** is a copy of the New York State Industrial Board of Appeals Decision Sheng Wang Zhang v. Comm'r of Labor, Docket No. PR 12-180 (N.Y. Indust. Bd. of Appeals Jul. 13, 2016).

6. Attached as **Exhibit D** is a copy of the New York State Industrial Board of Appeals Corrected and Reissued Decision Popermhem v. Comm'r of Labor, Docket No. PR 13-153, (N.Y. Indust. Bd. of Appeals Feb. 5, 2016).

7. Attached as **Exhibit E** is a copy of the New York State Industrial Board of Appeals Decision Gerson v. Comm'r of Labor, Docket No. PR 10-361 (N.Y. Indust. Bd. of Appeals Nov. 5, 2014).

Attached as **Exhibit F** is a copy of the New York State Industrial Board of Appeals Decision Career and Education Consultants, Inc. v. Comm'r of Labor, Docket No. PR 20-047 (N.Y. Indust. Bd. of Appeals Apr. 7, 2021).

8. Attached as **Exhibit G** is a copy of the New York State Session Law 1890, Ch. 388 §§ 1–2, dated May 21, 1890.

9. Attached as **Exhibit H** is a copy of New York General Laws, Ch. 32, Art. 1 § 11, dated March 13, 1897.

10. Attached as **Exhibit I** is a copy of Session Law 1966, Ch. 548 § 191, dated June 14, 1966.

11. Attached as **Exhibit J** is a copy of the Amendments to New York Labor Law § 198.

12. Attached as **Exhibit K** is a copy of New York Bill Jacket, 2010 S.B. 8380, Ch. 564, dated December 10, 2010.

Dated: August 12, 2022  
New York, New York

Respectfully submitted,

EPSTEIN BECKER & GREEN, P.C.

By: /s/ Jeffrey H. Ruzal

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